

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

ROBERT PRESLEY, *et al.*

Defendants.

Case No. 1:20-cv-00620-JLT-CDB

ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND ADJUST THE
DOCKET TO REFLECT VOLUNTARY
DISMISSAL PURSUANT TO RULE
41(a)(1)(A)(i) OF THE FEDERAL RULES
OF CIVIL PROCEDURE

(Doc. 80)

Plaintiff Nationstar Mortgage LLC (“Plaintiff”) commenced this action with the filing of a complaint on April 30, 2020, in which it asserted causes of action against Defendants Robert Presley, Healing My People Services (“HMP”), Joyce Decormier, Joe McHaney, Nikola Gulan, and Doe Defendants for violations of the Racketeering Influenced Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. and state statutes. (Doc. 1).

On July 27, 2021, the Court granted Defendant McHaney and Decormier’s motions to dismiss, finding that Plaintiff’s complaint failed to state any cognizable claims. (Doc. 41). Plaintiff filed its first amended complaint on August 24, 2021. (Doc. 42). On May 16, 2022, the Court granted Defendant McHaney’s second motion to dismiss, again finding that Plaintiff’s operative complaint failed to state any cognizable claims. (Docs. 58, 59). The Court granted Plaintiff a “last opportunity” to replead its claims based on counsel’s representations that it could include “a number of additional supportive facts.” (Doc. 59 at p. 9).

1 Instead of filing a second amended complaint, Plaintiff filed as to Defendant McHaney a
2 notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i). (Doc. 61). On November 10,
3 2022, Plaintiff filed a motion for default judgment as to the remaining Defendants for whom the
4 Clerk of Court had entered defaults. (Doc. 68).

5 On January 6, 2023, the undersigned issued Findings and Recommendations that
6 Plaintiff's motion for default judgment be denied and the case dismissed with prejudice, finding
7 that Plaintiff failed to advance any cognizable claim against any Defendant and that any
8 amendment would be futile. (Doc. 80). Plaintiff did not file any objections to the Findings and
9 Recommendations within the 14 days allowed.

10 On January 23, 2023, Plaintiff filed its second notice of voluntary dismissal pursuant to
11 Rule 41(a)(1)(A)(i) as to the "entire action." (Doc. 81). In light of the notice, this action has
12 been terminated, Comm. Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077-78 (9th
13 Cir. 1999), and has been dismissed without prejudice and without an award of costs or attorneys'
14 fees.

15 Accordingly, the Clerk of the Court is HEREBY DIRECTED to CLOSE the file in this
16 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule
17 41(a)(1)(A)(i).

18 IT IS SO ORDERED.

19 Dated: January 30, 2023

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UNITED STATES MAGISTRATE JUDGE